IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3176 OF 2003
IN
SUIT NO.3314 OF 2003

New Cosmopolitan Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Anr. ..Defendants

WITH

NOTICE OF MOTION NO.3184 OF 2003
IN
SUIT NO.3328 OF 2003

II Monte Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Anr. ..Defendants

WITH

NOTICE OF MOTION NO.3190 OF 2003
IN
SUIT NO.3338 OF 2003

Zenia-Abad Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Ors. ..Defendants

WITH

NOTICE OF MOTION NO.3191 OF 2003
IN
SUIT NO.3339 OF 2003

Shri Paras Co-op.Hsg.Soc.ltd. ..Plaintiffs

Vs.

State of Maharashtra and Anr. ..Defendants

WITH

NOTICE OF MOTION NO.3192 OF 2003
IN
SUIT NO.3341 OF 2003

Little Cable Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

The State of Maharashtra and Ors. ..Defendants

WITH

NOTICE OF MOTION NO.3193 OF 2003
IN
SUIT NO.3340 OF 2003

Pavlova Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Anr. ..Defendants

WITH

NOTICE OF MOTION NO.3206 OF 2003
IN
SUIT NO.3360 OF 2003

New Paradise Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Ors. ..Defendants

WITH

NOTICE OF MOTION NO.3207 OF 2003
IN
SUIT NO.3361 OF 2003

Sky-Lark Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Ors. ..Defendants

WITH

NOTICE OF MOTION NO.3208 OF 2003
IN
SUIT NO.3362 OF 2003

Nashat Co-op.Hsg.Soc.Ltd. ..Plaintiffs

Vs.

State of Maharashtra and Anr. ..Defendants

WITH

NOTICE OF MOTION NO.3248 OF 2003
IN
SUIT NO.3463 OF 2003

Mehta P.Ltd. ..Plaintiffs

Vs.

Collector of Mumbai and Anr. ..Defendants

Mr.Shailesh Shah i/b Solomon and Co. for the plaintiff in Notice of Motion No.3176 of 2003

Mr.Prakash Ganwani i/b Solomon and Co. for the plaintiffs in Notice of Motion Nos.3184 of 2003, 3190 of 2003, 3191 of 2003, 3192 of 2003, 3193 of 2003, 3207 of 2003, 3207 of 2003 and 3208 of 2003

Mr.N.Engineer with Mr.Devashish Mohta i/b Desai and Diwanji for the plaintiffs in Notice of Motion No.3248 of 2003

Mr.S.K.Nair, A.G.P. for the state/defendants in Notice of Motion Nos.3176 of 2003, 3184 of 2003, 3190 of 2003, 3191 of 2003, 3207 of 2003 and 3208 of 2003

Mr.N.P.Pandit, A.G.P. for the state/defendants in Notice of Motion Nos.3192 of 2003, 3193 of 2003, 3206 of 2003, 2348 of 2003

CORAM : S.U.KAMDAR, J
DATED : 1ST MARCH, 2006

P.C.:

1. All these notice of motions have become infructuous by virtue of the order dt.25.8.04 of the Division Bench passed in Writ Petition nos.711 of 2001 along with various connected writ petitions.

2. Acting upon the said Division Bench judgment, the State Government has already withdrawn the resolution dt.5.10.99 revising the rent in respect of lease hold property. All these motions are challenging the notices which are subsequently issued pursuant to resolution dt.5.10.99. In view of withdrawal of the resolution itself, all these motions are become infructous and are dismissed as infructuous.

However, it will be open to the plaintiffs to approach the court again as and when cause of action arises.

3. The learned counsel for the state states that in respect of all these motions they will follow the aforesaid Division Bench Judgment.